

April 28, 2004

NW 12th and Alvo Road
Priority B to A

Applicant	Location	Proposal
Peter Katt for Prairie Homes	NW 20 th to NW 12 th , from Highway 34 to Alvo Road	Change from Priority B to A land between NW 12 th and NW 20 th , south of West Alvo Road
Recommendation: Approval		

Status/Description

This request is a change from Priority B to A approximately 160 acres of land between NW 12th and NW 20th, south of West Alvo Road. The land to the east and west of this application is already designated as Priority A in the Comprehensive Plan. The land to the south is already in the city limits, to the north across West Alvo Road is Priority B.

Comprehensive Plan Implications

The Comprehensive Plan states the following about priority areas on page F 29:

“Top Priority Area

Area generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. Some larger projects, such as Antelope Valley, will be ongoing throughout the planning period and will require significant infrastructure resources.

Priority A of Tier I

Areas designated for near term development are generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, but is still undeveloped and without significant infrastructure. Areas with this designation are the next priority for infrastructure programming. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

Priority B of Tier I

The next area for development beyond Priority A, which currently lack almost all of the infrastructure required to support development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's CIP, but will be considered in the long term capital improvement planning of the various city and county departments.”

The Comprehensive Plan then addresses how the priority areas are to be used to guide infrastructure financing and utility planning. In particular, on page F 29 and 30 the Plan states:

“The principles for prioritization and the individual priority areas are described as follows:

- *The top priority for the City’s CIP is to maintain existing infrastructure, provide for new neighborhood improvements and to complete needed improvements for areas already under development...*
- *In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area...*
- *Funds for improvements in new major drainage basins to the southwest and to the east should provide the opportunity for development to begin in these areas within the next 12 years.*
- *Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas.*
- *It is anticipated that there may be some unique circumstances to warrant consideration of development of land in Priority B, prior to the full completion of improvements in Priority A. The community will consider development in a sub-basin in Priority B areas, before completing the infrastructure in Priority A areas, if all of the following conditions are met:*
 - 1) *the project is contiguous to the City and proposed for immediate annexation, and is consistent with principles of the Comprehensive Plan,*
 - 2) *the developer provides information demonstrating how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.*
 - 3) *the impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed,*
 - 4) *there is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule.” (Emphasis added)*

Technically, the applicant is not asking for improvements in Priority B to be done prior to Priority A as stated above. In this amendment the applicant is only requesting this area be added to Priority A. However, the applicant has stated that if this proposal is approved, they intend to work with the City on further details of how this project might be funded in the next one to two years. Thus, it is worth considering the four criteria mentioned in the Plan in regards to this proposal for a change from Priority B to A:

- 1) The land is contiguous to the city and the developer is proposing annexation.
- 2) The City has contacted other agencies for comments on service implications of this proposal. In general, the implications are relatively minor on the near term infrastructure financing and utility planning since most of the infrastructure to serve this 160 acre proposal is already planned for since the adjacent land to the east and west is in Priority A.

Wastewater: Public Works and Utilities notes that downstream improvements are required prior to development on this site. The draft 2004 CIP proposes completion of these improvements in 2007. However, the financing of these improvements are based on several rate increases over the next few years. Service to this site will be from an existing 15 inch line in NW 27th, just north of Highway 34.

Water CIP: There are some water mains in the draft 2004 CIP to serve the surrounding area: in N. W. 27th to West Alvo; a main to N. W. 12th & West Alvo. However, Public Works and Utilities notes that the approved Water Master Plan designates a 16 inch main from N. W. 12th to N. W. 20th to serve this specific 160 acre proposal, which is not in the 2004 CIP. The financing of the improvements in the 2004 CIP are based on several rate increases over the next few years.

Arterial Streets: Street improvements are identified for a construction in the next 12 years, but are unfunded at this point. These streets are planned for to serve Priority A land to the east and west of this site. Substantial new funding is needed to build the needed improvements for the City. For this area, needed improvements include:

- N. W. 27th Street, from Hwy 34 to West Alvo Road,
- N. W. 12th Street, from Fletcher Ave. to West Alvo Road, and
- West Alvo Road, from N. W. 12th to N. W. 27th Street.

Public Works and Utilities also notes that this site currently has “very poor transportation access to accommodate urban development.” This site does not have access to Highway 34, N. W. 12th and West Alvo Road from N. 1st to N. W. 12th are unopened at this time. The only access currently is to a gravel road, West Alvo, from N. W. 12th to N. W. 27th. Public Works recommends that approval be withheld “until the transportation access issues can be sufficiently addressed and states: “Moving this area ahead in the urban development priority plan may create programming difficulties since none of the local or arterial roads in this area are programmed.”

County Engineer: notes that the adjacent roads are gravel and that N. W. 27th is graded wide enough now for a 2 lane rural road but that no improvements are planned.

Schools: This land is already designated as residential and Lincoln Public Schools already has an elementary school site to the east in Fallbrook. LPS is also considering building a K-8 school at N. 14th and West Alvo Road, potentially in the next 6 years if a bond issue is approved, that would serve this site. Accelerating the pace of residential development may impact the timing for the need of the elementary in Fallbrook, which is potentially a lower priority for LPS and would not be built in the next 6 years.

Parks: The Parks and Recreation Department notes that the Comprehensive Plan already identifies the need for a neighborhood park for this area in the Plan.

Fire: There is a fire station in the Highlands on N. W. 1st Street, south of West Fletcher.

- 3) None of these departments addressed the impact this proposal might have on operating budgets.
- 4) The applicant has stated that the *substantial public benefit* of this proposal is that it would “accelerate the ability to supply the market place with additional single family lots.” The application further noted that “based upon the existing water/sewer and road infrastructure in this generalized vicinity; this proposed revision makes the most sense for the City to realize its greatest return on its current infrastructure investment.” In general, this application might provide more residential development opportunities in northwest Lincoln in the near term, without a substantial infrastructure investment compared to some other areas.

The Plan also contains a “concurrency policy” on page F 154 that states:

“Public infrastructure — including roads, water, sewer, parks, schools, libraries — is essential to the health, safety and welfare of the community. As the community grows, it is desirable that these systems and facilities be developed concurrently, — that is, at the same time— with that growth.”

Conclusion

In regards to the request to change from Priority B to A, the basic questions are does this land meet the definition of the Priority A and will including it as Priority A negatively impact the City’s infrastructure plans :

1. Given utility planning and infrastructure financing plans is the land serviceable by 2014?

Yes, this area, due to the planning underway for the Priority A areas to the east and west can be reasonably expected to be provided with services by the year 2014. The area meets the definition of Priority A in that it is contiguous, will be provided with basic infrastructure within 2014 (12 years from adoption of Plan) with some improvements done in the near term (wastewater by 2007) with others in the longer term (water and roads.)

2. Will the Priority A designation negatively impact the community’s infrastructure plans?

No, most improvements to serve this 160 acres are already included in plans for the next 10 years. This change only adds this area to Priority A, it does not place it in the first year of the draft 2004 CIP.

Approval of this amendment includes several important caveats:

- The community already has limited funds to be able to serve the land already designated as Priority A in the Plan — inclusion in Priority A is not a guarantee of financing,

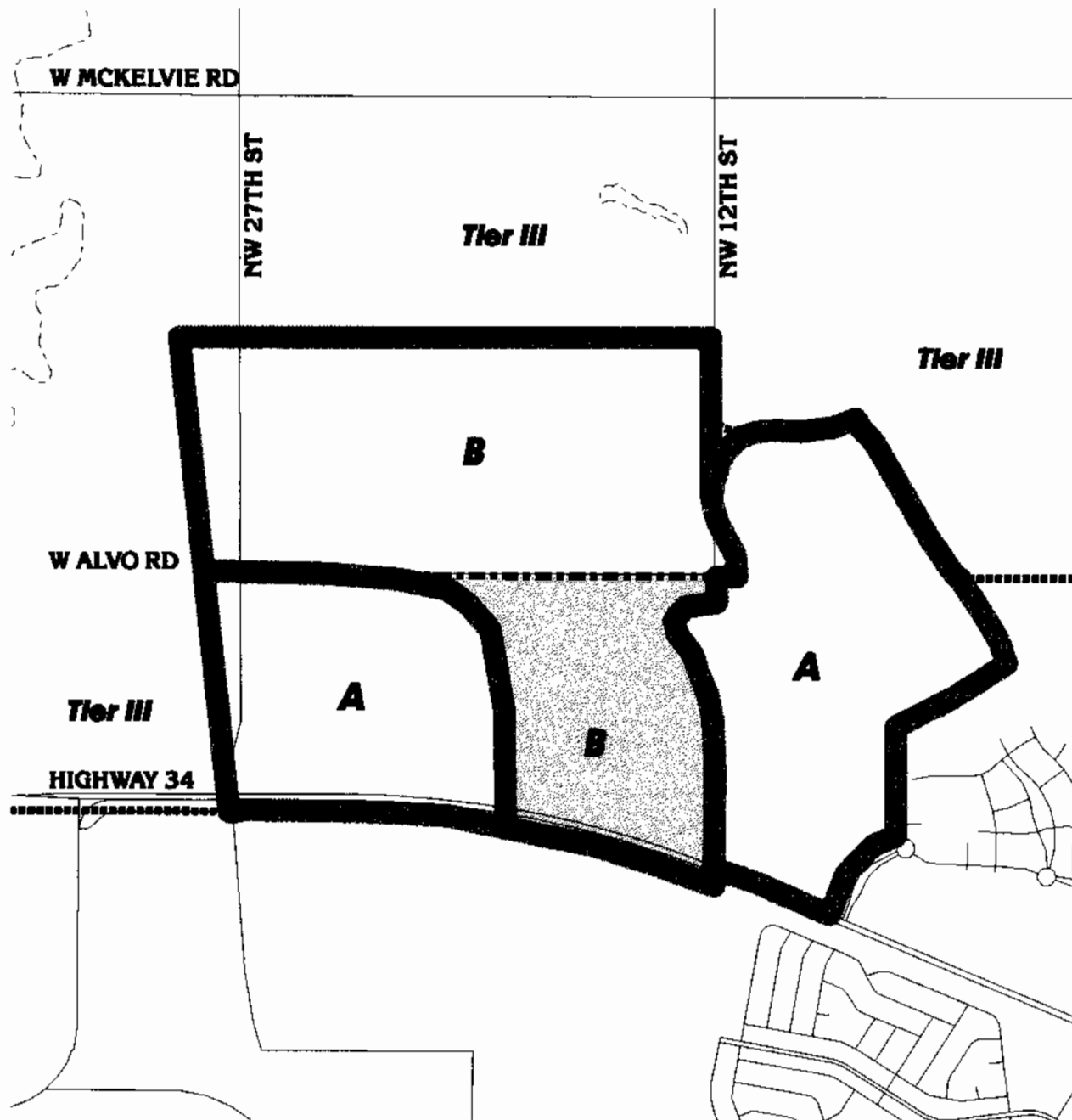
- Addition to Priority A does not mean the land will be included for service in the 6 Year Capital Improvement Program — it only means the land should be served by 2014,
- The 2004 CIP is based on numerous water and sewer rate increases, new financing sources for the arterial streets, continued revenue from impact fees, and approval of general obligation bonds to pay for watershed, park and fire station improvements. If these any of these financing mechanism are not approved or available, then improvements and services to Priority A areas will be delayed,
- It is important that the community move toward the goal of concurrency in improvements — providing utilities to an area in one year, with roads, schools, fire protection and parks lagging years afterward provides citizens with poor service and is contrary to the goals of the Plan.

Amend the Comprehensive Plan as follows:

1. Amend the “Tier I — Priority Areas” map on page F 31, to change the designation from Priority B to Priority A the area as shown on the following page.

Prepared by

Stephen Henrichsen, AICP
Planning Department, (402) 441-6374: shenrichsen@ci.lincoln.ne.us



NW 27th & W Alvo Rd

Proposed Amendment # 13

- Future Service Limit
- ▬ Priority Area Boundary
- A Priority Designation
- ▨ Applicant Proposal From Priority B to Priority A

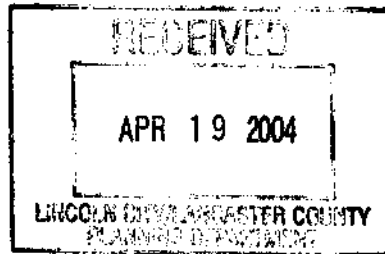


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April 16, 2004

Stephen Hendrichson
Planning Department
555 So. 10th Street, #213
Lincoln, NE 68508

Re: *Highlands Prairie Comprehensive Plan Amendment*

Dear Steve:

This letter is intended to finally followup on some of our earlier conversations with regard to the Comprehensive Plan Amendment I filed on the property on NW 27th Street and Highway 34 on behalf of Prairie Homes and the Cook Family Trust. Please consider this letter of request that as to that the Amendment is withdrawn as it relates to changing the designation of the Cook Trust property from Industrial to Residential in the Comprehensive Plan. We are continuing to request, however, that the England property be shown at Tier I Priority A with this change to the proposed amendment, my conflict with Kawasaki is eliminated. Further, the only remaining applicant is Prairie Homes and I am representing the applicant.

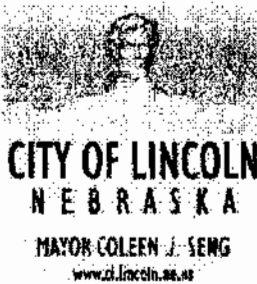
Should you have any questions, please feel free to contact me.

Sincerely,

Peter W. Katt
For the Firm
lawkatt@pierson-law.com

PWK:sb

cc: Darrell Stock
(G:\WPData\PK\Highlands Prairie\5037.800 City Approval\Hendrichsen 4-16-4.ltr.wpd)



LINCOLN/LANCASTER COUNTY

2004

COMPREHENSIVE PLAN AMENDMENT APPLICATION

The use of this application is appropriate when a change to the adopted Lincoln/Lancaster County Comprehensive Plan is desired. The required questionnaire on the reverse side of this application must be completed as well. Applications for the 2004 Annual Review are due to the Planning Department no later than 4:30 p.m. on February 2, 2004.

PART I.

Please print or type.

Date: February 2, 2004

Applicant: Highland Prairie Village, LLC and George Cook Trust

Mailing Address: P.O. Box 95109

City: Lincoln State: Nebraska Zip: 68509

Phone: (402) 476-7621

Contact (if not applicant): Peter W. Katt, Attorney

Mailing Address: P.O. Box 95109

City: Lincoln State: Nebraska Zip: 68509

Phone: (402) 476-7621

Application Fee of \$250.00 to the City of Lincoln.

If applicable, name of general area/location/site which would be affected by this proposed change (Attach additional sheets if necessary).

North of Highway 34, South of Alvo Road between NW 12th and
NW 27th Streets

Applicant Signature: _____

Peter W. Katt

Date: February 2, 2004

PLANNING DEPARTMENT USE ONLY:

RECEIPT NO. 417501

DATE 2-2-2004

FEE PAID \$250.00

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HIGHLANDS PRAIRIE QUESTIONNAIRE ANSWERS

1. The first requested amendment to the Comprehensive Plan is to change the Land Use Plan to designate the entire property as urban density residential, changing the west one-half from industrial to residential. The second request is to change the Priority Area Plan for the east half of the property from Priority B to Priority A. The County GIS Parcel maps for the property are attached.
2. This proposal is a minor adjustment to the current Comprehensive Plan land use and phasing plans that further refines the level of detail based upon more accurate information regarding the subject property.
3. The only impact caused by this proposal is to accelerate the ability to supply the market place with additional single family lots. The market is not currently showing interest in industrial development sites and there is great market demand for single family sites. Based upon the existing water/sewer and road infrastructure in this generalized vicinity; this proposed revision makes the most sense for the City to realize its greatest return on its current infrastructure investment.
4. There is no fundamental change proposed; rather the change refines the current Comprehensive Plan based upon more accurate, detailed information.
5. Unknown. No public meetings are planned.